

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOHN SNOWDEN, as Plenary Guardian of :	:	
the Person and Estate of KAHLIF :	:	
SNOWDEN, INCAPACITATED :	:	
	:	CIVIL ACTION
Plaintiff, :	:	
	:	
v. :	:	
	:	NO. 11-5041
CITY OF PHILADELPHIA, et. al. :	:	
	:	
Defendants. :	:	

ORDER

AND NOW, this 4th day of *October*, 2012, upon consideration of **(1)** Plaintiff's Motion for Partial Summary Judgment on Counts I, III, IV, and V of the Amended Complaint against Defendants City of Philadelphia, Police Commissioner Charles Ramsey, Officer Michael Walsh, Officer Robert Shaw, Jr., Officer Donald Vandermay, Officer Kevin McNicholas, and Sergeant James J. Morace, Jr. (collectively "the Defendants") (Docket No. 16) and the Response of the Defendants (Docket No. 22); and **(2)** the Defendants Motion for Partial Summary Judgment on Counts II, V, VI, and on all claims against the City of Philadelphia and Sergeant James Morace (Docket No. 17) and Plaintiff's Response (Docket No. 20), it is hereby **ORDERED** as follows:

1. Plaintiffs' Motion for Partial Summary Judgment is **DENIED** on Counts I, III, IV, and V.
2. Count VI is **DISMISSED** as to all Defendants having being withdrawn by Plaintiff's Response Brief (Docket No. 21).
3. All claims against Police Commissioner Charles Ramsey are **DISMISSED** having been withdrawn by Plaintiff's Response Brief (Docket No. 21).
4. The Defendants' Motion for Summary Judgment is **GRANTED IN PART and DENIED IN PART** as follows:

- a. With respect to Defendant City of Philadelphia, Defendants' Motion is **GRANTED. JUDGMENT IS ENTERED** in favor of Defendant City of Philadelphia on all counts.
- b. With respect to Count II, Defendants' Motion is **GRANTED. JUDGMENT IS ENTERED** in favor of all Defendants on Count II.
- c. With respect to Count V, Defendants' Motion is **GRANTED. JUDGMENT IS ENTERED** in favor of all Defendants on Count V.
- d. With respect to Defendants' Motion for Summary Judgment on all remaining Counts against Defendant Sergeant James Morace, Defendants' Motion is **DENIED.**

A **STATUS CONFERENCE** is scheduled for Thursday, October 11, 2012 at 11:00 a.m.
in the chambers of the undersigned.

BY THE COURT:

s/ Ronald L. Buckwalter
RONALD L. BUCKWALTER, S.J.